

1 ROBBINS GELLER RUDMAN
& DOWD LLP
2 JOHN J. STOIA, JR. (141757)
RACHEL L. JENSEN (211456)
3 THOMAS R. MERRICK (177987)
PHONG L. TRAN (204961)
4 655 West Broadway, Suite 1900
San Diego, CA 92101
5 Telephone: 619/231-1058
619/231-7423 (fax)
6 johns@rgrdlaw.com
rachelj@rgrdlaw.com
7 tmerrick@rgrdlaw.com
ptran@rgrdlaw.com

8 Class Counsel

9 [Additional counsel appear on signature page.]

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA
12

13 IN RE GROUPON MARKETING AND) No. 3:11-md-02238-DMS-RBB
SALES PRACTICES LITIGATION)
14 _____) DECLARATION OF TIFFANEY
JANOWICZ
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF TIFFANEY JANOWICZ

I, Tiffaney Janowicz, declare as follows:

1. I am a Senior Vice President of Client Services for Rust Consulting, Inc. (“Rust”), which serves as the Settlement Administrator for the above-captioned case. My business address is 625 Marquette Avenue, Suite 880, Minneapolis, Minnesota 55402.

2. Rust is a nationally known settlement administration company and has extensive experience in the administration of class action matters, having provided services in class action cases ranging in size from 100 to 100 million class members and involving a wide range of issues. We have provided notification and/or claims administration services in more than 3,000 matters.

3. I have been employed by Rust since 1996, focusing on large-scale, nationwide consumer matters. I currently lead Rust’s insurance and healthcare practice and co-lead Rust’s consumer and telecom practices. I have overseen all aspects of administration for more than 150 settlements, including a large software manufacturer’s antitrust settlements for the states of California, Iowa, Minnesota, New York and Wisconsin, as well as the \$100 million Thomson Consumer Electronic settlement. I have also managed many of Rust’s insurance-related settlements, including the first major race-based underwriting settlement, *McNeil v. American General*, and a number of credit life settlements, including *Carter v. North Central Life Ins. Co.*

4. I am the author of *Anticipating Claims Filing Rates in Class Action Settlements*, published in November 2008 as part of Rust’s *Class Action Perspectives* series of articles.¹ In the course of my more than 16 years with Rust, I have had extensive experience with claims filing rates, including estimating them in advance

¹ The article is available at http://www.rustconsulting.com/Legal_Sector_Knowledge_Sharing/Articles_and_Publications/articleType/ArticleView/articleId/124/Anticipating_Claims_Filing_Rates_in_Class_Action_Settlements.aspx

1 for clients and reviewing them at the close of cases.

2 5. In the instant case, the initial notice was emailed to class members
3 explaining their rights and options under the settlement. Rust established a toll-free
4 number, website, fax line, post office box, call center, and email box for class
5 members' inquiries. A subsequent notice was emailed notifying potential class
6 members of updated dates and deadlines set by the Court and new Commonly Asked
7 Questions and responses on the settlement website. As of close of business on
8 August 18, 2012, Rust Consulting received more than 8,000 email inquires and 8,700
9 calls to the toll-free number. Of the 8,700 calls, 852 reached a live call center
10 support representative.

11 6. After final approval of the settlement, notice will again be emailed to
12 known class members allowing them the opportunity to file a claim either online or
13 by returning a written claim form via email or United States postal mail.

14 7. Through August 18, 2012, although the claims filing period has not
15 commenced, we have received 45,991 claims through email, postal mail and through
16 the online filing feature on the settlement website.

17 8. Based on Rust's extensive experience in consumer cases similar to this
18 one, our expectation of receiving 150,000 claims in this matter as reflected in pricing
19 proposal, is a reasonable estimate. As previously noted, there are a number of factors
20 that impact the claims filing percentage, many of which are outside of our control.
21 While we cannot guaranty a certain filing rate, the likelihood of receiving more than
22 double our estimated amount of claims is unlikely based on the information provided
23 to us and our experience working on similar matters.
24
25
26
27
28

1 I declare under penalty of perjury that the foregoing is true and correct. Executed
2 this 24th day of August 2012, in Minneapolis, Minnesota.

3
4 
5

6 _____
7 Tiffaney A. Janowicz
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2012, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 24, 2012.

s/ John J. Stoia, Jr.
JOHN J. STOIA, JR.

ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail:johns@rgrdlaw.com

Mailing Information for a Case 3:11-md-02238-DMS-RBB

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Donald Chidi Amamgbo , Esq**
donald@amamgbolaw.com
- **Jarod M Bona**
jarod.bona@dlapiper.com
- **Mark Anthony Bulgarelli**
markb@progressivelaw.com,kpe@progressivelaw.com,mbulgare@hotmail.com
- **Jonathan Stephen Burns**
jburns@wklawyers.com
- **Jay S Carlson**
JayCarlson.legal@gmail.com
- **Christopher Robert Carney**
christopher.carney@cgi-law.com
- **Todd D. Carpenter**
tcarpenter@bffb.com,tdinardo@bffb.com,rcreech@bffb.com,lgomez-gray@bffb.com
- **Todd David Carpenter**
tcarpenter@bffb.com
- **Maureen Connors**
sampc01@gmail.com
- **Dana E. Deering**
ddeering@pdfslaw.com
- **Christopher M. Ellis**
cellis@brelaw.com
- **Theodore Frank**
tfrank@gmail.com
- **David A. Futscher**
dfutscher@pdfslaw.com
- **Brett Landgon Gibbs**
blgibbs@wefightpiracy.com,docket@wefightpiracy.com
- **Sean P Gillespie**
sean.gillespie@cgi-law.com
- **Clayton D Halunen**
halunen@halunenlaw.com
- **Robert Brent Irby**
birby@mhcilaw.com
- **Samuel Bayard Isaacson**
samuel.isaacson@dlapiper.com
- **Kenan Lee Isitt**
kenan.isitt@cgi-law.com
- **Matthew J. Iverson**
matthew.iverson@dlapiper.com

- **Rachel L Jensen**
rjensen@rgrdlaw.com,e_file_sd@rgrdlaw.com,ldeem@rgrdlaw.com
- **Rachel Lynn Jensen**
rachelj@rgrdlaw.com
- **Michael Alan Johnson**
mjohnsonlawyer@aol.com
- **Noah A Katsell**
noah.katsell@dlapiper.com,sarah.walter@dlapiper.com
- **Stellman Keehnel**
stellman.keehnel@dlapiper.com,patsy.howson@dlapiper.com
- **Charles J. LaDuca**
charlesl@cuneolaw.com
- **Anthony Darrell Lehman**
anthony.lehman@dlapiper.com
- **Ronald M. Lepinkas**
ronald.lepinkas@dlapiper.com
- **David C Lundsgaard**
dlundsgaard@grahamdunn.com
- **Fredrick Howard Lebron McClure**
fredrick.mcclure@dlapiper.com
- **Bradley T. Meissner**
bmeissner@fenwick.com,doconnor@fenwick.com
- **Thomas R. Merrick**
tmerrick@rgrdlaw.com
- **Matthew Evan Miller**
mmiller@cuneolaw.com
- **Sara Z. Moghadam**
sara.moghadam@dlapiper.com
- **Jason Moore**
jason@vaneyk-moore.com
- **Derek A Newman**
derek@newmanlaw.com,docketing@newmanlaw.com,sarah@newmanlaw.com,linke@newmanlaw.com
- **Andrea Pridham**
grenville@grenvillepridham.com
- **Julio Joaquin Ramos**
ramosfortrustee@yahoo.com
- **Joseph Anton Roselius**
joseph.roselius@dlapiper.com
- **Elaine A. Ryan**
eryan@bffb.com,rcreech@bffb.com,nserden@bffb.com
- **Charles E. Schaffer**
Cschaffer@lfsblaw.com
- **Myles A Schneider**
myles@maschneider.com

- **John J. Stoia , Jr**
JohnS@rgrdlaw.com,e_file_sd@rgrdlaw.com,ldeem@rgrdlaw.com
- **Brian Russell Strange**
lacounsel@earthlink.net,abacon@strangeandcarpenter.com,gcarpenter@strangeandcarpenter.com,jhood@strangeandcarpenter.com
- **Stephen A. Swedlow**
swedlow@swedlowlaw.com
- **Patricia Nicole Syverson**
psyverson@bffb.com
- **James Michael Terrell**
jterrell@mmlaw.net
- **Reginald Terrell**
reggiet2@aol.com
- **Brendan S. Thompson**
brendant@cuneolaw.com
- **Edward Colin Thompson**
colin.thompson@dlapiper.com
- **Phong L. Tran**
ptran@rgrdlaw.com
- **Phong Le Tran**
Ptran@rgrdlaw.com,junei@rgrdlaw.com,e_file_sd@rgrdlaw.com,ckopko@rgrdlaw.com
- **Shaun Van Eyk**
shaun@vaneyk-moore.com,vaneyk.law@gmail.com
- **Michael D. Vhay**
michael.vhay@dlapiper.com
- **Shawn J. Wanta**
sjwanta@baillonhome.com,mjhensold@baillonhome.com,akgunaseelan@baillonhome.com
- **Shirli Fabbri Weiss**
shirli.weiss@dlapiper.com,emiko.gonzales@dlapiper.com
- **Marc Aaron Wites**
mwites@wklawyers.com
- **Christopher Munro Young**
chris.young@dlapiper.com,sarah.walter@dlapiper.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Peter **M. Ellis**
DLA Piper LLP (US)
203 North LaSalle Street
Suite 1900
Chicago, IL 60601

Andrew-NA S Friedman
Not Admitted

Kenneth Hinton
4139 Peppertree Lane
Silver Spring, MD 20906

E. G. Johnson

1269 Southview Drive #101
Oxon Hill, MD 20745

Michael**A. Johnson**

Michael A. Johnson & Associates
415 North LaSalle Street
Suite 502
Chicago, IL 60610

Charles-NA**J. LaDuca**

Not Admitted

,

Michael**A. McShane**

Audet & Partners, LLP
221 Main Street
Suite 1460
San Francisco, CA 94105